UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,597	11/20/2003	Jun Maeoka	16869Y-101100US	3280

20350   7590   07/02/2007
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ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	**Applicant(s)**
Office Action Summary		10/719,597	MAEOKA ET AL.
		Examiner	**Art Unit**	
		Techane J. Gergiso 7-G	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>11/20/2003</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This is a non-Final Office Action in response to the applications communication filed on

June 01, 2004.

2.   Claims 1-16 have been examined and are pending.

Claim Objections

3.   Claims 11 and 16 are objected to under 37 CFR 1.75(c) as being in improper form

because a multiple dependent claim *should refer to other claims in the alternative only.* See

MPEP § 608.01(n). Accordingly, the claims 11 and 16 have not been further treated on the

merits.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1, 2, 4, 6, 7, 9 and 14 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

6.   Claim 1 recites the limitation " the execution processing " in line 2;

Claim 1 recites the limitation " the exterior " in line 4;

Claim 1 recites the limitation " the contents of a reply message " in line 15;

Claim 2 recites the limitation " the reception of a starting request " in line 3;

Claim 2 recites the limitation " the passage of a predetermined executing time interval "

in line 4;

Claim 4 recites the limitation " the self communication terminal " in line 4;

Claim 6 recites the limitation " the communication impossible time" in line 6;

Claim 7 recites the limitation " the transmission of an execution log " in line 7;

Claim 9 recites the limitation " the desire of approval " in line 7;

Claim 9 recites the limitation " the exterior " in line 4;

Claim 14 recites the limitation " the execution processing " in line 2;

Claim 14 recites the limitation " the exterior " in line 4; and

Claim 15 recites the limitation " the desire of approval " in line 7.

There is insufficient antecedent basis for this limitation in the claim.

7.   Claims 1-10, 12-15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S.

practice. They appear to be a literal translation into English from a foreign document and are

replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Krishnaswamy

et al. (hereinafter referred to as Krishnaswamy, US Pat. No.: 5,999,525).

As per claim 1:

Krishnaswamy discloses a communication terminal comprising a program processor for

performing the execution processing of various kinds of programs, and a communicator for

performing communication between the communication terminal and the exterior; comprise

(column 82: lines 45-65, column 125: lines 9-37):

approval request processor for making an approval request message of the execution

processing of a predetermined program among said various kinds of programs and

transmitting the approval request message to another predetermined

communication terminal by said communicator when a predetermined condition

is satisfied with respect to the predetermined program (column 21: lines 10-35;

column 22: lines 1-15; column 37: lines 15-45) and

a program executing manager for controlling said execution processing using said

program processor in accordance with the contents of a reply message to said

approval request message when said communicator receives the reply message

contents from said another communication terminal (column 37: lines 15-45;

column 47: lines 25-44; column 57: lines 15: 42; column 113: lines 35-60).

As per claim 2:

Krishnaswamy discloses a communication terminal, wherein

said predetermined condition is one of the reception of a starting request of said

predetermined program, the passage of a predetermined executing time interval

with respect to the predetermined program, and the reception of a making request

of said approval request message from a user with respect to the predetermined

program (column 387: lines 34-54).

As per claim 3:

Krishnaswamy discloses a communication terminal, wherein

said program executing manager makes said program processor perform the execution

processing of the predetermined program if said reply message shows contents

recognizing the execution of the predetermined program with respect to the

execution processing of said predetermined program requesting the approval in

said approval request message, and also makes said program processor perform

no execution processing of the predetermined program if the reply message shows

contents recognizing no execution of the predetermined program (column 35:

lines 49-65; column 80: lines 10-40).

As per claim 4:

>Krishnaswamy discloses a communication terminal, further comprises,
>
>position information obtaining means which obtains information of the present place of
>
>>the self communication terminal, wherein, said approval request processor
>>
>>includes the position information obtained by said position information obtaining
>>
>>means in said approval request message (column 65: lines 25-65; column 66: lines
>>
>>45-55; column 67: lines 1-30).

As per claim 5:

>Krishnaswamy discloses a communication terminal, further comprises,
>
>an approval request rule memory for storing a rule with respect to the approval request
>
>>every each of said various kinds of programs, wherein, said approval request
>>
>>processor performs processing in accordance with said rule stored in said
>>
>>approval request rule memory (column 41: lines 5-53).

As per claim 6:

>Krishnaswamy discloses a communication terminal, wherein
>
>said rule includes information of communication impossible time processing for
>
>>determining what processing is performed with respect to said predetermined
>>
>>program at the communication impossible time with said another predetermined
>>
>>communication terminal (column 25: lines 29-44).

As per claim 7:

Krishnaswamy discloses a communication terminal, wherein with respect to one of

programs except for said predetermined program among said various kinds of programs, said

rule includes the transmission of an execution log of this program instead of the transmission of

said approval request message (column 41: lines 40-60; column 42: lines 5-15).

As per claim 8:

Krishnaswamy discloses a communication terminal, wherein said predetermined program

is a game program and the communication terminal is a game machine (figure 19C).

As per claim 9:

Krishnaswamy discloses a communication terminal comprising input means which

receives an input from a user, output means which outputs information, and communicator for

performing communication between the communicator and the exterior, comprises (column 82:

lines 45-65, column 125: lines 9-37),

> an approval processor which makes said output means output contents based on an
>
> > approval request message showing the desire of approval with respect to the
> >
> > execution of a predetermined program when said communicator receives the
> >
> > approval request message from another communication terminal (column 21:
> >
> > lines 10-35; column 22: lines 1-15; column 37: lines 15-45), and
>
> makes a reply message based on a reply to the approval request message when said input
>
> > means receives the input of the reply, and transmits the reply message to the

another communication terminal by the communicator (column 37: lines 15-45;

column 47: lines 25-44; column 57: lines 15: 42; column 113: lines 35-60).

As per claim 10:

Krishnaswamy discloses a communication terminal, further comprises:

log memory for storing a log of the program executed by said another communication

terminal (column 42: lines 55-65), and

log processor for storing the log in said log memory when said communicator receives

said log from said another communication terminal, and calling the log out of the

log memory and outputting the log to said output means when a perusing request

of the log is received by said input means (column 42: lines 55-65).

As per claim 12:

Krishnaswamy discloses a portable telephone set comprising program processor for

performing the execution processing of various kinds of programs, and communicator for

performing communication between the communicator and the exterior, comprises (figure 18),

with respect to a predetermined program among said various kinds of programs, log

processor for transmitting a log of the predetermined program to another

predetermined communication terminal by said communicator when the

predetermined program is executed and processed by said program processor

(column 42: lines 55-65; column 42: lines 55-65).

As per claim 13:

Krishnaswamy discloses a portable telephone set comprising input means which receives

an input from a user, output means which outputs information, and communicator for performing

communication between the communicator and the exterior (figure 18);

the portable telephone set further comprising: log memory for storing the log of a

program executed by another communication terminal (column 42: lines 55-65;

column 42: lines 55-65); and

log processor for storing the log in said log memory when said communicator receives

said log from said another communication terminal, and calling the log out of the

log memory and outputting the log to said output means when a perusing request

of the log is received by said input means (column 42: lines 55-65; column 42:

lines 55-65).

As per claim 14:

Krishnaswamy discloses an operation program of a communication terminal comprising

program processor for performing the execution processing of various kinds of function

programs, and communicator for performing communication between the communicator and the

exterior, executes:

an approval request processing step which makes an approval request message of the

execution processing of a predetermined function program among said various

kinds of programs when a predetermined condition is satisfied with respect to the

predetermined function program, and transmits the approval request message to

another predetermined communication terminal by said communicator (column

21: lines 10-35; column 22: lines 1-15; column 37: lines 15-45); and

a program executing managing step which controls said execution processing using said

program processor in accordance with the contents of a reply message to said

approval request message when said communicator receives the reply message

from said another communication terminal (column 37: lines 15-45; column 47:

lines 25-44; column 57: lines 15: 42; column 113: lines 35-60).

As per claim 15:

Krishnaswamy discloses an operation program of a communication terminal comprising

input means which receives an input from a user, output means which outputs information, and

communicator for performing communication between the communicator and the exterior,

executes (column 82: lines 45-65, column 125: lines 9-37):

an approval processing step in which said output means outputs contents based on an

approval request message showing the desire of approval with respect to the

execution of a predetermined program when said communicator receives the

approval request message from another communication terminal; a reply message

based on a reply to the approval request message is made when said input means

receives the input of the reply; and the reply message is transmitted to the another

communication terminal by the communicator (column 21: lines 10-35; column

22: lines 1-15; column 37: lines 15-45; column 37: lines 15-45; column 47: lines

25-44; column 57: lines 15: 42; column 113: lines 35-60).

As per claim 17:

Krishnaswamy discloses a managing method of the program execution of a
communication terminal having program processor for performing the execution processing of
various kinds of programs, wherein,

> said communication terminal makes an approval request message of the execution
>
>> processing of a predetermined program among said various kinds of programs and
>>
>> transmits the approval request message to another predetermined communication
>>
>> terminal when a predetermined condition is satisfied with respect to the
>>
>> predetermined program (column 21: lines 10-35; column 22: lines 1-15; column
>>
>> 37: lines 15-45);
>
> said another communication terminal outputs contents based on the approval request
>
>> message with respect to said predetermined program when said approval request
>>
>> message is received from said communication terminal, and makes a reply
>>
>> message based on a reply to the approval request message when the input of the
>>
>> reply is received, and transmits the reply message to the communication terminal
>>
>> (column 21: lines 10-35; column 22: lines 1-15; column 37: lines 15-45; column
>>
>> 37: lines 15-45; column 47: lines 25-44; column 57: lines 15: 42; column 113:
>>
>> lines 35-60); and
>
> said communication terminal controls the execution processing of said predetermined
>
>> program using said program processor in accordance with the contents of the
>>
>> reply message to said approval request message when the reply message is

received from said another communication terminal (column 37: lines 15-45;

column 47: lines 25-44; column 57: lines 15: 42; column 113: lines 35-60).

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

See the notice of reference cited in form PTO-892 for additional prior art

Contact Information

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784

and fax number is (571) 273-3784. The examiner can normally be reached on 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system.   Status information for published applications may be

obtained from either Private PAIR or Public PAIR.   Status information for unpublished

applications is available through Private PAIR only.   For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CYNTHIA BRITT
PRIMARY EXAMINER

T-G

Techane Gergiso

Patent Examiner

Art Unit 2137

June 25, 2007